IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13/08/2004

CORAM

THE HONOURABLE MR.JUSTICE A.K.RAJAN

W.P.No.6563 of 1999

Surya Estate Finance Petitioner

-Vs-

1. The State of Tamilnadu rep.
by its Secretary to Government
Law Department, Fort St.George,
Chennai 600 009.

2.The Special Commissioner and
Commissioner for Land Administration
Chepauk, Chennai 600 005.

3.The Sub-Inspector of Police
Central Crime Branch
Chennai 600 008.

4.Surya Estate Group of Finance
Mudaleettalargal Nala Sangam
Reg.No.34/97 through its
Vice President Yathindran
34, Burkit Road, T.Nagar
Chennai 600 017.

5.S.Sitaraman
R5 impleaded as per order
dated 11.02.2004 in WPMP.No.44983 of 2003 Respondents

Prayer: Petition filed under Article 226 of the Constitution of
India, praying to issue a writ of Mandamus, as stated therein.

For Petitioner : Mr.S.Ramaswamy
For Respondents: Mr.Suresh Viswanath
Government Advocate for R1 to R3.
Mr.K.Rajendran R-4
Mr.G.R.Swaminathan R5.
:ORDER

The prayer in this writ petition is for the issuance of a writ of
Mandamus, directing the respondents 2 and 3 or any other statutory body in

custody of the properties to deliver possession of the immovable and movable properties more particularly described in the petition schedule to an administrator or settlement committee consisting of the petitioner's representatives and fourth respondents' representatives to administer the business affairs of Surya Estate Finance and to frame a scheme.

2. This court by order dated 24.12.1999, appointed Mr.R. Arunagirinathan, as Advocate Commissioner to proceed with the sale of the landed properties. It is now understood that the Original documents relating to the property which were seized by the Police during the investigation is with the Commissioner, Land Revenue.

3. Though the Commissioner was appointed on 24.12.1999, the Commissioner has unable to discharge his duty as directed by this Court, because the necessary documents were not furnished to him.

4. Inasmuch as the Advocate Commissioner has been appointed for selling the property and to discharge all the depositors' claim, it is absolutely necessary that the original documents are handed over to the Commissioner. However, the second respondent has absolutely no reason to keep those documents. They have no power to keep those documents under TANPID Act and they have no power whatsoever except when they are ordered by the Court to take any action. Since in this case, the Advocate Commissioner has been appointed by the Court for taking necessary action, the second respondent is directed to hand over all the documents immediately within a period of one week from today.

5. In the result, the writ petition is disposed of on the above terms. No costs.

Index :yes
Internet:yes
ksr

To
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